**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE M.N.KRISHNAN**

**THURSDAY, THE 13TH SEPTEMBER 2007 / 22ND BHADRA 1929**

**WP(C).No. 27286 of 2007(W)**
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**AGAINST THE ORDER IN IA 583/2007 IN OS.674/2001 of PRL.M.C.,KOZHIKODE-II**
**.....**

**PETITIONER:**
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**MAMIYIL BALAKRISHNAN, AGED 59 YEARS,**
**S/O.THAMU, CHATHOTU MEETHAL VEETTIL,**
**OLAVANNA AMSOM AND DESOM, KOZHIKODE TALUK.**

**BY ADV. SRI.JACOB ABRAHAM**

**RESPONDENTS:**
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1. **THE SECRETARY,**
   **OLAVANNA GRAMA PANCHAYATH,**
   **OLAVANNA AMSOM AND DESOM OF KOZHIKODE TALUK.**

2. **THE PRESIDENT,**
   **OLAVANNA GRAMA PANCHAYATH,**
   **OLAVANNA AMSOM AND DESOM OF KOZHIKODE TALUK.**

3. **THE VICE PRESIDENT,**
   **OLAVANNA GRAMA PANCHAYATH,**
   **OLAVANNA AMSOM AND DESOM OF**
   **KOZHIKODE TALUK.**

4. **M.N.VENUGOPALAN, S/O. IMBICHUNNI,**
   **MELE NADAKKAVIL HOUSE,**
   **OLAVANNA AMSOM AND DESOM OF KOZHIKODE TALUK.**

5. **N.MUKUDAN, S/O.AMMALUKUTTY,**
   **OLAVANNA AMSOM AND DESOM OF**
   **KOZHIKODE TALUK.**

**BY**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 13/09/2007 ALONG WITH WPC.NO.27311 OF 2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

*KSS*

**M.N.KRISHNAN, J**

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**W.P.(C) Nos.27286 & 27311 OF 2007**

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**Dated this the 13th day of September 2007**

**JUDGMENT**

W.P.(C)No.27286/2007 is field against the order in I.A.No.583 of 2007 in O.S.No.673/2001 and W.P.(C)No.27311 of 2007 is filed against the order in I.A.No.584 of 2007 in O.S.No.675/2001 of the Prl.Munsiff's Court, Kozhikode-II. These writ petitions are filed against a common order whereby the court below refused to set aside the Commissioner's report. There was another writ petition filed as W.P.(C)No.26093 of 2007 against the order in I.A.No.582 of 2007 in O.S.No.673 of 2001. This court found that the order is not very satisfactory because the court below has not considered the points that it had been stated in the affidavit. But the said writ petition was disposed of by making provisions to protect the interest of the parties, who had filed application for setting aside the Commissioner's plan and report. This court held that the dismissal of the application will not stand in the way of the petitioner adducing evidence against the Commissioner's plan and report and if the court is convinced at that stage that the report and the valuation are liable to be corrected or interfered

with, then when the application is moved in that direction, the court has to consider it and pass appropriate orders. Reserving the said right, the writ petition was dismissed.

As discussed earlier, these two writ petitions are also arise out of the very same common order. Therefore they are also dismissed with the above observations.

**M.N.KRISHNAN, JUDGE**

**Cdp/-**